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General Assembly

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Sixtieth session
Agenda item 71 (b)

Resolution adopted by the General Assembly

[on the report of the Third Committee (A/60/509/Add.2 (Part III))]

60/158. Protection of human rights and fundamental freedoms while countering terrorism

The General Assembly,

Reaffirming the purposes and principles of the Charter of the United Nations,

Reaffirming also the fundamental importance, including in response to terrorism and the fear of terrorism, of respecting all human rights and fundamental freedoms and the rule of law,

Recalling that States are under the obligation to protect all human rights and fundamental freedoms of all persons,

Acknowledging the important contribution of measures taken at all levels against terrorism, consistent with international law, in particular international human rights law and refugee and humanitarian law, to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight, including through international cooperation and the strengthening of the role of the United Nations in this respect,

Deeply deploring the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism, as well as violations of international refugee law and international humanitarian law,

Recognizing that the respect for human rights, the respect for democracy and the respect for the rule of law are interrelated and mutually reinforcing,

Recognizing also that all States must fully respect the non-refoulement obligations under international refugee and human rights law, while at the same time bearing in mind relevant exclusion provisions under international refugee law,

Welcoming the various initiatives to strengthen the promotion and protection of human rights in the context of counter-terrorism adopted by the United Nations and regional intergovernmental bodies, as well as by States,

Noting the declarations, statements and recommendations of a number of human rights treaty monitoring bodies and special procedures on the question of the compatibility of counter-terrorism measures with human rights obligations,

Recalling its resolutions 57/219 of 18 December 2002, 58/187 of 22 December 2003 and 59/191 of 20 December 2004, Commission on Human Rights resolutions 2003/68 of 25 April 2003,[1] 2004/87 of 21 April 2004[2] and 2005/80 of 21 April 2005[3] and other relevant resolutions of the General Assembly and the Commission on Human Rights,

Recalling also its resolution 48/141 of 20 December 1993 and, inter alia, the responsibility of the United Nations High Commissioner for Human Rights to promote and protect the effective enjoyment of all human rights,

Reaffirming that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,[4]

Noting the declaration on the issue of combating terrorism contained in the annex to Security Council resolution 1456 (2003) of 20 January 2003, in particular the statement that States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

Reaffirming its unequivocal condemnation of all acts, methods and practices of terrorism in all its forms and manifestations, wherever and by whomsoever committed, regardless of their motivation, as criminal and unjustifiable, and renewing its commitment to strengthen international cooperation to prevent and combat terrorism,

Stressing that everyone is entitled to all the rights and freedoms recognized in the Universal Declaration of Human Rights[5] without distinction of any kind, including on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

1. *Reaffirms* that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

2. *Deplores* the suffering caused by terrorism to the victims and their families, and expresses its profound solidarity with them;

3. *Reaffirms* the obligation of States, in accordance with article 4 of the International Covenant on Civil and Political Rights,[6] to respect certain rights as non-derogable in any circumstances, recalls, in regard to all other Covenant rights, that any measures derogating from the provisions of the Covenant must be in accordance

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[4] See sect. I, para. 17, of the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993 (A/CONF.157/24 (Part I), chap. III).

[5] Resolution 217 A (III).

[6] See resolution 2200 (XXI), annex.

with that article in all cases, and underlines the exceptional and temporary nature of any such derogations;

4. *Calls upon* States to raise awareness about the importance of these obligations among national authorities involved in combating terrorism;

5. *Urges* States to fully respect non-refoulement obligations under international refugee and human rights law and, at the same time, to review, with full respect for these obligations and other legal safeguards, the validity of a refugee status decision in an individual case if credible and relevant evidence comes to light that indicates that the person in question has committed any criminal acts, including terrorist acts, falling under the exclusion clauses under international refugee law;

6. *Welcomes* the establishment by the Commission on Human Rights in its resolution 2005/80[9] of the mandate of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;

7. *Reaffirms* that it is imperative that all States work to uphold and protect the dignity of individuals and their fundamental freedoms, as well as democratic practices and the rule of law, while countering terrorism, as stated in the report of the Secretary-General submitted pursuant to General Assembly resolution 58/187;[9]

8. *Takes note with appreciation* of the study of the United Nations High Commissioner for Human Rights submitted pursuant to resolution 58/187;[9]

9. *Encourages* States to make available to relevant national authorities the "Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism" and to take into account its content, and requests the High Commissioner to update and publish it periodically;

10. *Welcomes* the ongoing dialogue established in the context of the fight against terrorism between the Security Council and its Counter-Terrorism Committee and the relevant bodies for the promotion and protection of human rights, and encourages the Security Council and its Counter-Terrorism Committee to strengthen the links and to continue to develop cooperation with relevant human rights bodies, in particular with the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur of the Commission on Human Rights on the promotion and protection of human rights and fundamental freedoms while countering terrorism and other relevant special procedures and mechanisms of the Commission, giving due regard to the promotion and protection of human rights in the ongoing work pursuant to relevant Security Council resolutions relating to terrorism;

11. *Stresses* that, while developing, as agreed at the 2005 World Summit,[10] a strategy to promote comprehensive, coordinated and consistent counter-terrorism responses, full consideration should be given throughout the process to the protection of human rights and fundamental freedoms and to the provisions of international humanitarian law and international refugee law;

12. *Requests* all relevant special procedures and mechanisms of the Commission on Human Rights, as well as the United Nations human rights treaty

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[8] See, for example, General Comment No. 29 on states of emergency adopted by the Human Rights Committee on 24 July 2001.

[9] E/CN.4/2004/91.

[10] A/59/428.

[10] See resolution 60/1.

bodies, to cooperate, within their mandates, with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, and encourages the Special Rapporteur to work closely with them to coordinate efforts, where appropriate, in order to promote a consistent approach on this subject;

13. *Encourages* States, while countering terrorism, to take into account relevant United Nations resolutions and decisions on human rights, and encourages them to consider the recommendations of the special procedures and mechanisms of the Commission on Human Rights and the relevant comments and views of United Nations human rights treaty bodies;

14. *Takes note with appreciation* of the report of the independent expert on the protection of human rights and fundamental freedoms while countering terrorism;

15. *Takes note with interest* of the report of the Secretary-General submitted pursuant to General Assembly resolution 59/191;

16. *Takes note with appreciation* of the report of the Special Rapporteur submitted pursuant to Commission on Human Rights resolution 2005/80,[1] and the four features of his mandate emphasized, namely, complementarity, comprehensiveness, its proactive nature and its thematic approach, and requests the Special Rapporteur to report regularly to the General Assembly and to the Commission on Human Rights;

17. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, including by reacting promptly to the urgent appeals of the Special Rapporteur and providing the information requested;

18. *Requests* the High Commissioner, making use of existing mechanisms, to continue:

(a) To examine the question of the protection of human rights and fundamental freedoms while countering terrorism, taking into account reliable information from all sources;

(b) To make general recommendations concerning the obligation of States to promote and protect human rights and fundamental freedoms while taking actions to counter terrorism;

(c) To provide assistance and advice to States, upon their request, on the protection of human rights and fundamental freedoms while countering terrorism, as well as to relevant United Nations bodies;

19. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the Commission on Human Rights at its sixty-second session and to the General Assembly at its sixty-first session.

64th plenary meeting
16 December 2005

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[1] See E/CN.4/2005/103.
[2] A/60/374.
[3] See A/60/370.

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[*on the report of the Third Committee (A/60/509/Add.2 (Part III)*]

60/159. Human rights in the administration of justice

The General Assembly,

Bearing in mind the principles embodied in articles 3, 5, 8, 9 and 10 of the Universal Declaration of Human Rights[1] and the relevant provisions of the International Covenant on Civil and Political Rights and the Optional Protocols thereto,[2] in particular article 6 of the Covenant, which states, inter alia, that no one shall be arbitrarily deprived of his life and prohibits the imposition of the death penalty for crimes committed by persons below 18 years of age, and article 10, which provides that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person,

Bearing in mind also the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the International Convention on the Elimination of All Forms of Racial Discrimination,[4] in particular the right to equal treatment before tribunals and all other organs administering justice, the Convention on the Rights of the Child,[5] in particular article 37, according to which every child deprived of liberty shall be treated in a manner that takes into account the needs of persons of his or her age, and the Convention on the Elimination of All Forms of Discrimination against Women,[6] in particular the obligation to treat men and women equally in all stages of procedures in courts and tribunals,

Calling attention to the numerous international standards in the field of the administration of justice,

Convinced that the independence and impartiality of the judiciary are essential prerequisites for the protection of human rights, good governance and democracy as well as for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex, and resolution 44/128, annex.

[3] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[4] Resolution 2106 A (XX), annex.

[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[6] Ibid., vol. 1249, No. 20378.

Noting the adoption by the Committee on the Elimination of Racial Discrimination of general recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system,[7]

Emphasizing that the right to access to justice, as contained in applicable international human rights instruments, forms an important basis for strengthening the rule of law through the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

Recalling the Guidelines for Action on Children in the Criminal Justice System[8] and the establishment and subsequent meetings of the Inter-Agency Coordination Panel on Juvenile Justice,

Calling attention to the relevant provisions of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[9] and of the plans of action for its implementation and follow-up,[10]

Recalling its resolution 58/183 of 22 December 2003, as well as Commission on Human Rights resolution 2004/43 of 19 April 2004,[11] and Economic and Social Council resolution 2004/28 of 21 July 2004 entitled "United Nations standards and norms in crime prevention and criminal justice",

1. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

2. *Reiterates its call* to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards;

3. *Affirms* that States must ensure that any measure taken to combat terrorism, including in the administration of justice, complies with their obligations under international law, in particular international human rights, refugee and humanitarian law;

4. *Invites* Governments to provide for training, including anti-racist, multicultural and gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers and other professionals concerned, including personnel deployed in international field presences;

5. *Invites* States to make use of technical assistance offered by the relevant United Nations programmes in order to strengthen national capacities and infrastructures in the field of the administration of justice;

6. *Appeals* to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to promoting

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[7] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), chap. IX.

[8] Economic and Social Council resolution 1997/30, annex.

[9] Resolution 55/59, annex.

[10] Resolution 56/261, annex.

[11] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

and protecting human rights, and invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

7. *Encourages* the regional commissions, the specialized agencies, United Nations institutes active in the areas of human rights and crime prevention and criminal justice, and other relevant parts of the United Nations system, as well as intergovernmental and non-governmental organizations, including national professional associations concerned with promoting United Nations standards in this field, and other segments of civil society, including the media, to continue to develop their activities in promoting human rights in the administration of justice;

8. *Invites* the Commission on Human Rights and the Commission on Crime Prevention and Criminal Justice, as well as the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, to closely coordinate their activities relating to the administration of justice;

9. *Calls upon* mechanisms of the Commission on Human Rights and its subsidiary bodies, including special rapporteurs, special representatives and working groups, to continue to give special attention to questions relating to the effective promotion and protection of human rights in the administration of justice, including juvenile justice, and to provide, where appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

10. *Calls upon* the Office of the United Nations High Commissioner for Human Rights and the United Nations Office on Drugs and Crime to reinforce, within their respective mandates, their activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations and, in this context, in cooperation with the Department of Peacekeeping Operations of the Secretariat;

11. *Encourages* the Office of the High Commissioner to continue organizing training courses and other relevant activities aimed at enhancing the promotion and protection of human rights in the field of the administration of justice, and welcomes the publication of the *Manual on Human Rights Training for Prison Officials*;[12]

12. *Welcomes* the increased attention paid to the issue of juvenile justice by the High Commissioner and the United Nations Children's Fund, in particular through technical assistance activities, and, taking into account the fact that international cooperation to promote juvenile justice reform has become a priority within the United Nations system, encourages the further activities of the High Commissioner and the United Nations Children's Fund, within their mandates, in this regard;

13. *Encourages* the Inter-Agency Coordination Panel on Juvenile Justice to further increase cooperation among the partners involved, to develop common indicators, tools and manuals, to share information and to pool their capacities and interests in order to increase the effectiveness of programme implementation, and takes note with appreciation of the publication entitled "Protecting the rights of children in conflict with the law";[13]

14. *Welcomes* the adoption by the Economic and Social Council of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, set

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[12] United Nations publication, Sales No. E.04.XIV.1.

[13] Available from www.unodc.org/pdf/criminal_justice/Protecting_children_en.pdf.

out in the annex to its resolution 2005/20 of 22 July 2005, and encourages all relevant actors to draw upon the Guidelines where appropriate;

15. *Encourages* the independent expert for the United Nations study on violence against children to address in his final report the prevalence of violence in the juvenile justice system;

16. *Invites* Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying and addressing the key problems;

17. *Underlines* the importance of rebuilding and strengthening structures for the administration of justice and respect for the rule of law and human rights in post-conflict situations, and requests the Secretary-General to ensure system-wide coordination and coherence of programmes and activities of the relevant parts of the United Nations system, including through the proposed Peacebuilding Commission and the Rule of Law Assistance Unit, in the field of the administration of justice in post-conflict situations, including assistance provided through United Nations field presences;

18. *Stresses* the special need for national capacity-building in the field of the administration of justice, in particular through reform of the judiciary, the police and the penal system, as well as juvenile justice reform, in order to establish and maintain stable societies and the rule of law in post-conflict situations, and in this context welcomes the role of the Office of the High Commissioner in supporting the establishment and functioning of transitional justice mechanisms in post-conflict situations;

19. *Decides* to consider the question of human rights in the administration of justice at its sixty-second session under the item entitled "Human rights questions".

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Resolution adopted by the General Assembly

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60/160. Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, as well as its subsequent resolutions on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Noting that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contributes to political and social stability and peace and enriches the cultural diversity and heritage of society, as reaffirmed in the 2005 World Summit Outcome,[1]

Concerned by the frequency and severity of disputes and conflicts concerning minorities and their often tragic consequences, and concerned also that persons belonging to minorities are particularly vulnerable to displacement,

Recognizing that the effective promotion and protection of the rights of persons belonging to minorities is a fundamental part of the promotion and protection of human rights, and acknowledging that measures in this area can also contribute significantly to conflict prevention,

Emphasizing the role that national institutions can play in early warning for problems regarding minority situations,

Emphasizing also the importance of human rights education as an effective tool to promote an inclusive society and understanding of and tolerance towards and among persons belonging to minorities,

Acknowledging that the United Nations has an important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

[1] See resolution 60/1.

Noting that the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights held its tenth and eleventh sessions from 1 to 5 March 2004 and from 30 May to 3 June 2005, respectively,

Noting with appreciation the appointment of the independent expert on minority issues by the United Nations High Commissioner for Human Rights on 29 July 2005, as requested by the Commission on Human Rights in its resolution 2005/79 of 21 April 2005,[2]

1. *Takes note* of the report of the Secretary-General;[3]

2. *Recognizes* that respect for human rights and the promotion of understanding and tolerance by Governments as well as between and among minorities are central to the promotion and protection of the rights of persons belonging to minorities;

3. *Reaffirms* the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[4] and draws attention to the relevant provisions of the Durban Declaration and Programme of Action,[5] including the provisions on forms of multiple discrimination;

4. *Encourages* States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

5. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

6. *Calls upon* States to give special attention to the promotion and protection of the human rights of children belonging to minorities, taking into account that girls and boys may face different types of risks;

7. *Urges* States to take, as appropriate, all necessary constitutional, legislative, administrative and other measures to promote and give effect to the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. *Calls upon* States to take all appropriate measures to protect the cultural and religious sites of national or ethnic, religious and linguistic minorities;

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[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[3] A/60/333.

[4] Resolution 47/135, annex.

[5] See A/CONF.189/12 and Corr.1, chap. I.

9. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

10. *Calls upon* the United Nations High Commissioner for Human Rights to promote, within her mandate, the implementation of the Declaration, to continue to engage in a dialogue with Governments for that purpose and to disseminate widely the *United Nations Guide for Minorities*;

11. *Requests* the High Commissioner to continue her efforts to improve the coordination and cooperation among United Nations programmes and agencies on activities related to the promotion and protection of the rights of persons belonging to minorities and to take the work of relevant regional organizations active in the field of human rights into account in her endeavours;

12. *Welcomes* the inter-agency consultation of the High Commissioner with United Nations programmes and agencies on minority issues, and calls upon those programmes and agencies to contribute actively to this process;

13. *Encourages* intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

14. *Calls upon* the Working Group on Minorities of the Subcommission on the Promotion and Protection of Human Rights to implement fully its mandate, focusing its work on interactive dialogue with relevant non-governmental organizations and on conceptual support of, and dialogue with, the independent expert on minority issues, by recommending, on the basis of its findings, further measures for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

15. *Invites* the High Commissioner to seek voluntary contributions to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to minorities, in particular those from developing countries, in minority-related activities organized by the United Nations, particularly its human rights bodies, and in doing so to give particular attention to ensuring the participation of young people and women;

16. *Decides* to continue consideration of the question at its sixty-second session under the item entitled "Human rights questions".

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60/161. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

The General Assembly,

Recalling its resolution 53/144 of 9 December 1998, by which it adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms annexed to that resolution, and reiterating the importance of the Declaration and its wide dissemination,

Recalling also all previous resolutions on this subject, in particular its resolution 59/192 of 20 December 2004 and Commission on Human Rights resolution 2005/67 of 20 April 2005,[1]

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are facing threats, harassment and insecurity as a result of those activities,

Gravely concerned by the continuing high level of human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world and by the fact that, in a number of countries in all regions of the world, impunity for threats, attacks and acts of intimidation against human rights defenders persists and that this has a negative impact on their work and safety,

Recalling that human rights defenders are entitled to equal protection of the law, and deeply concerned about the increase in new restrictive legislation regulating the creation and operation of non-governmental organizations and any abuse of civil or criminal proceedings against them because of their activities for the promotion and protection of human rights and fundamental freedoms,

[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

Concerned by the considerable number of communications received by the Special Representative of the Secretary-General on the situation of human rights defenders that, together with the reports submitted by some of the special procedure mechanisms, indicate the serious nature of the risks faced by human rights defenders, including women human rights defenders,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of human rights and fundamental freedoms, including in combating impunity, promoting access to justice, information and public participation in decision-making and promoting, strengthening and preserving democracy,

Recognizing the substantial role that human rights defenders can play in supporting peace through dialogue, openness, participation and justice, including by monitoring and reporting on human rights,

Recalling that, in accordance with article 4 of the International Covenant on Civil and Political Rights,[2] certain rights are recognized as non-derogable in any circumstances and that any measures derogating from other provisions of the Covenant must be in accordance with that article in all cases, and underlining the exceptional and temporary nature of any such derogations, as stated in General Comment No. 29, on states of emergency, adopted by the Human Rights Committee on 24 July 2001,[3]

Gravely concerned that, in some instances, national security and counter-terrorism legislation and other measures have been misused to target human rights defenders or have hindered their work and safety in a manner contrary to international law,

Welcoming the significant work conducted by the Special Representative, and encouraging strengthened cooperation between the Special Representative and other special procedures of the Commission on Human Rights as well as other relevant United Nations bodies, offices, departments and specialized agencies and personnel, both at headquarters and at the country level,

Welcoming also regional initiatives for the promotion and protection of human rights and the cooperation between international and regional mechanisms for the protection of human rights defenders, and encouraging further development in this regard,

Welcoming further the steps taken by some States towards adopting national policies or legislation for the protection of human rights defenders,

Recalling that the primary responsibility for promoting and protecting human rights rests with the State, and reaffirming that national legislation consistent with the Charter of the United Nations and other international obligations of the State in the field of human rights and fundamental freedoms is the juridical framework within which human rights defenders conduct their activities, and noting with deep concern that the activities of some non-State actors pose a major threat to the security of human rights defenders,

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[2] See resolution 2200 A (XXI), annex.

[3] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI.

Emphasizing the need for strong and effective measures for the protection of human rights defenders,

1. *Calls upon* all States to promote and give full effect to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, including by taking, as appropriate, practical steps to that end;

2. *Welcomes* the reports of the Special Representative of the Secretary-General on the situation of human rights defenders[4] and her contribution to the effective promotion of the Declaration and the improvement of the protection of human rights defenders worldwide;

3. *Condemns* all human rights violations committed against persons engaged in promoting and defending human rights and fundamental freedoms around the world, and urges States to take all appropriate action, consistent with the Declaration and all other relevant human rights instruments, to eliminate such human rights violations;

4. *Calls upon* all States to take all necessary measures to ensure the protection of human rights defenders, at both the local and the national levels, including in times of conflict and peacebuilding;

5. *Also calls upon* all States to ensure, protect and respect the freedom of expression and association of human rights defenders and, where registration is required, to facilitate registration, including through the establishment of effective and transparent criteria and non-discriminatory, expeditious and inexpensive procedures in accordance with national legislation;

6. *Urges* States to ensure that any measures to combat terrorism and preserve national security comply with their obligations under international law, in particular under international human rights law, and do not hinder the work and safety of human rights defenders;

7. *Also urges* States to take appropriate measures to address the question of impunity for attacks, threats and acts of intimidation against human rights defenders and their relatives, including by ensuring that complaints from human rights defenders are promptly investigated and addressed in a transparent, independent and accountable manner;

8. *Urges* all States to cooperate with and assist the Special Representative in the performance of her tasks and to furnish, upon request, all information for the fulfilment of her mandate;

9. *Calls upon* States to give serious consideration to responding favourably to the requests of the Special Representative to visit their countries, and urges them to enter into a constructive dialogue with the Special Representative with respect to the follow-up to and implementation of her recommendations so as to enable her to fulfil her mandate even more effectively;

10. *Urges* those States that have not yet responded to the communications transmitted to them to do so without delay and to investigate expeditiously urgent appeals and allegations brought to their attention by the Special Representative;

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[4] E/CN.4/2001/94, E/CN.4/2002/106 and Add.1 and 2, E/CN.4/2003/104 and Add.1–4, E/CN.4/2004/94 and Add.1–3 and E/CN.4/2005/101 and Add.1–3 and Add.3/Corr.1; see also A/56/341, A/57/182, A/58/380, A/59/401 and A/60/339 and Corr.1.

11. *Invites* States to translate the Declaration into national languages and to take measures to improve its dissemination;

12. *Encourages* States to promote awareness and training in regard to the Declaration in order to enable officials, agencies, authorities and the judiciary to observe the provisions of the Declaration and thus to promote better understanding and respect for human rights defenders;

13. *Invites* relevant United Nations bodies, including at the country level, within their respective mandates and working in cooperation with States, to give due consideration to the Declaration and to the reports of the Special Representative, and in this context requests the Office of the United Nations High Commissioner for Human Rights to draw the attention of all relevant United Nations bodies, including at the country level, to the reports of the Special Representative;

14. *Requests* that the Office of the High Commissioner as well as other relevant United Nations bodies, offices, departments and specialized agencies consider ways in which they can assist States to strengthen the role and security of human rights defenders, including in conflict situations and peacebuilding;

15. *Requests* the Secretary-General to provide the Special Representative with human, material and financial resources in order to enable her to continue to carry out her mandate effectively, including through country visits;

16. *Requests* all concerned United Nations agencies and organizations, within their mandates, to provide all possible assistance and support to the Special Representative in the implementation of her programme of activities;

17. *Requests* the Special Representative to continue to report annually on her activities to the General Assembly and to the Commission on Human Rights in accordance with her mandate;

18. *Decides* to consider the question at its sixty-second session under the item entitled "Human rights questions".

64th plenary meeting
16 December 2005

United Nations A/RES/60/162

General Assembly

Distr.: General
28 February 2006

Sixtieth session
Agenda item 71 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.2 (Part II))*]

60/162. Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, in particular resolution 58/180 of 22 December 2003,

Reaffirming that United Nations electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Noting with satisfaction that increasing numbers of Member States are using elections as a peaceful means of discerning the will of the people, which builds confidence in representational governance and contributes to greater national peace and stability,

Recalling the Universal Declaration of Human Rights, adopted on 10 December 1948,[1] in particular the principle that the will of the people, as expressed through periodic and genuine elections, shall be the basis of government authority, as well as the right freely to choose representatives through periodic and genuine elections, which shall be by universal and equal suffrage and held by secret vote or by equivalent free voting procedures,

Taking note with interest of Commission on Human Rights resolution 2004/30 of 19 April 2004 on enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy[2] and Commission resolution 2005/32 of 19 April 2005 on democracy and the rule of law,[3]

Recognizing the need for strengthening democratic processes, electoral institutions and national capacity-building, including the capacity to administer fair elections, increase citizen participation and provide civic education, in requesting

[1] Resolution 217 A (III).

[2] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

countries in order to consolidate and regularize the achievements of previous elections and support subsequent elections,

Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of electoral experts, including electoral commission staff, and observers, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Welcoming also the contributions made by international and regional organizations and also by non-governmental organizations to enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,

Having considered the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization,[4]

1. *Welcomes* the report of the Secretary-General;[4]

2. *Commends* the electoral assistance provided upon request to Member States by the United Nations, and requests that such assistance continue on a case-by-case basis in accordance with the evolving needs of requesting countries to develop, improve and refine their electoral institutions and processes, recognizing that the fundamental responsibility of organizing free and fair elections lies with Governments;

3. *Requests* the Electoral Assistance Division of the Department of Political Affairs of the Secretariat, in its role as coordinator of United Nations electoral assistance, to continue to inform Member States regularly about the requests received and the nature of any assistance provided;

4. *Requests* that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, including the provision of long-term technical cooperation, that conditions exist to allow a free and fair election and that the results of the mission will be reported comprehensively and consistently;

5. *Recommends* that, throughout the time span of the entire electoral process, including before and after elections, as appropriate, based on needs-assessment missions, the United Nations continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes;

6. *Notes with appreciation* additional efforts being made to enhance cooperation with other international, governmental and non-governmental organizations in order to facilitate more comprehensive and needs-specific responses to requests for electoral assistance, and encourages those organizations to share knowledge and experience in order to promote best practices in the assistance they provide and in their reporting on electoral processes, and expresses its appreciation to those Member States, regional organizations and non-governmental organizations that have provided observers or technical experts in support of United Nations electoral assistance efforts;

[4] A/60/431.

7. *Recalls* the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

8. *Encourages* the Secretary-General, through the Electoral Assistance Division, to continue responding to the evolving nature of requests for assistance and the growing need for specific types of medium-term expert assistance aimed at supporting and strengthening the existing capacity of the requesting Government, in particular by enhancing the capacity of national electoral institutions;

9. *Requests* the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources to allow it to carry out its mandate, and to continue to ensure that the Office of the United Nations High Commissioner for Human Rights is able to respond, within its mandate and in close coordination with the Division, to the numerous and increasingly complex and comprehensive requests from Member States for advisory services;

10. *Notes with satisfaction* the comprehensive coordination between the Electoral Assistance Division and the United Nations Development Programme, and encourages further engagement of the Office of the United Nations High Commissioner for Human Rights in this context;

11. *Requests* the United Nations Development Programme to continue its governance assistance programmes in cooperation with other relevant organizations, in particular those that strengthen democratic institutions and linkages between civil society and Governments;

12. *Reiterates* the importance of reinforced coordination within and outside the United Nations system in this regard;

13. *Requests* the Secretary-General to report to the General Assembly at its sixty-second session on the implementation of the present resolution, in particular on the status of requests from Member States for electoral assistance, and on his efforts to enhance support by the Organization for the democratization process in Member States.

64th plenary meeting
16 December 2005

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General Assembly

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2 March 2006

Sixtieth session
Agenda item 71 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.2 (Part II))*]

60/163. Promotion of peace as a vital requirement for the full enjoyment of all human rights by all

The General Assembly,

Recalling its resolution 58/192 of 22 December 2003,

Recalling also Commission on Human Rights resolution 2005/56 of 20 April 2005 entitled "Promotion of peace as a vital requirement for the full enjoyment of all human rights by all",[1]

Taking note of its resolution 39/11 of 12 November 1984 entitled "Declaration on the Right of Peoples to Peace", and the United Nations Millennium Declaration,[2]

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Bearing in mind that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Underlining, in accordance with the purposes and principles of the United Nations, its full and active support for the United Nations and for the enhancement of its role and effectiveness in strengthening international peace, security and justice and in promoting the solution of international problems, as well as the development of friendly relations and cooperation among States,

Reaffirming the obligation of all States to settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

Emphasizing its objective of promoting better relations among all States and contributing to setting up conditions in which their people can live in true and lasting peace, free from any threat to or attempt against their security,

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] See resolution 55/2.

Reaffirming the obligation of all States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Reaffirming its commitment to peace, security and justice and the continuing development of friendly relations and cooperation among States,

Rejecting the use of violence in pursuit of political aims, and stressing that only peaceful political solutions can ensure a stable and democratic future for all people around the world,

Reaffirming the importance of ensuring respect for the principles of the sovereignty, territorial integrity and political independence of States and non-intervention in matters that are essentially within the domestic jurisdiction of any State, in accordance with the Charter and international law,

Reaffirming also that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[3]

Recognizing that peace and development are mutually reinforcing, including in the prevention of armed conflict,

Affirming that human rights include social, economic and cultural rights and the right to peace, a healthy environment and development, and that development is in fact the realization of those rights,

Underlining the fact that the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental rights, is contrary to the Charter and is an impediment to the promotion of world peace and cooperation,

Recalling that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights[4] can be fully realized,

Convinced of the aim of creating conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based on respect for the principles of equal rights and self-determination of peoples,

Convinced also that life without war is the primary international prerequisite for the material well-being, development and progress of countries and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations,

Convinced further that international cooperation in the field of human rights contributes to creating an international environment of peace and stability,

1. *Stresses* that peace is a vital requirement for the promotion and protection of all human rights for all;

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[3] Resolution 2625 (XXV), annex.

[4] Resolution 217 A (III).

2. *Also stresses* that the deep fault line that divides human society between the rich and the poor and the ever-increasing gap between the developed and developing worlds pose a major threat to global prosperity, peace and security and stability;

3. *Solemnly declares* that the peoples of our planet have a sacred right to peace and that the preservation and promotion of peace constitutes a fundamental obligation of each State;

4. *Emphasizes* that the preservation and promotion of peace demands that the policies of States be directed towards the elimination of the threat of war, particularly nuclear war, the renunciation of the use or threat of use of force in international relations and the settlement of international disputes by peaceful means on the basis of the Charter of the United Nations;

5. *Affirms* that all States should promote the establishment, maintenance and strengthening of international peace and security and an international system based on respect for the principles enshrined in the Charter and the promotion of all human rights and fundamental freedoms, including the right to development and the right of peoples to self-determination;

6. *Urges* all States to respect and to put into practice the purposes and principles of the Charter in their relations with other States, irrespective of their political, economic or social system and of their size, geographical location or level of economic development;

7. *Reaffirms* the duty of all States, in accordance with the principles of the Charter, to use peaceful means to settle any dispute to which they are parties and the continuance of which is likely to endanger the maintenance of international peace and security, as a vital requirement for the promotion and protection of all human rights of everyone and all peoples;

8. *Calls upon* the United Nations High Commissioner for Human Rights to carry out a constructive dialogue and consultations with Member States, the specialized agencies and intergovernmental organizations on how the Commission on Human Rights could work for the promotion of an international environment conducive to the full realization of the right of peoples to peace, and encourages non-governmental organizations to contribute actively to this endeavour;

9. *Invites* States and relevant United Nations human rights mechanisms and procedures to continue to pay attention to the importance of mutual cooperation, understanding and dialogue in ensuring the promotion and protection of all human rights;

10. *Decides* to continue consideration of the question of the promotion of the right of peoples to peace at its sixty-second session under the item entitled "Human rights questions".

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16 December 2005

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Sixtieth session
Agenda item 71 (*b*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.2 (Part II))*]

60/164. Respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights

The General Assembly,

Reaffirming the purpose of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming the right to self-determination, by virtue of which all peoples can freely determine their political status and freely pursue their economic, social and cultural development,

Recognizing that the principles enshrined in Article 2 of the Charter, in particular respect for national sovereignty, should be respected in the holding of elections,

Recognizing also the richness and diversity of democratic political systems and models of free and fair electoral processes in the world, based on national and regional particularities and various backgrounds,

Stressing the responsibility of States in ensuring ways and means to facilitate full and effective popular participation in their electoral processes,

Recognizing the contribution made by the United Nations of electoral assistance provided to numerous States upon their request,

Reaffirming the solemn commitment of all States to fulfil their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter, other instruments relating to human rights, and international law,

Reaffirming also that democracy, sustainable development and respect for human rights and fundamental freedoms, as well as good governance at all levels, are interdependent and mutually reinforcing, and determined to strengthen respect for the rule of law at the national and international levels,

Welcoming the commitment of all Member States, expressed in the United Nations Millennium Declaration,[1] to work collectively for more inclusive political processes allowing genuine participation by all citizens in all countries,

1. *Reaffirms* that all peoples have the right to self-determination, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development, and that every State has the duty to respect that right, in accordance with the provisions of the Charter of the United Nations;

2. *Reiterates* that periodic, fair and free elections are important elements for the promotion and protection of human rights;

3. *Reaffirms* the right of peoples to determine methods and to establish institutions regarding electoral processes and, consequently, that there is no single model of democracy or of democratic institutions and that States should ensure all the necessary mechanisms and means to facilitate full and effective popular participation in those processes;

4. *Also reaffirms* that free development of the national electoral process in each State should be fully honoured in a manner that fully respects the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

5. *Calls upon* all States to refrain from financing political parties or other organizations in any other State in a way that is contrary to the principles of the Charter and that undermines the legitimacy of its electoral processes;

6. *Condemns* any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

7. *Reaffirms* that the will of the people shall be the basis of the authority of government and that this will shall be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;

8. *Decides* to continue its consideration of the question of the respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as an important element for the promotion and protection of human rights at its sixty-second session under the item entitled "Human rights questions".

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16 December 2005

[1] See resolution 55/2.

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.2 (Part II))*]

60/165. The right to food

The General Assembly,

Recalling its resolution 59/202 of 20 December 2004, as well as all Commission on Human Rights resolutions in this regard, in particular resolution 2005/18 of 14 April 2005,[1]

Recalling also the Universal Declaration of Human Rights,[2] which provides that everyone has the right to a standard of living adequate for her or his health and well-being, including food, the Universal Declaration on the Eradication of Hunger and Malnutrition[3] and the United Nations Millennium Declaration,[4]

Recalling further the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] in which the fundamental right of every person to be free from hunger is recognized,

Bearing in mind the Rome Declaration on World Food Security and the World Food Summit Plan of Action[6] and the Declaration of the World Food Summit: five years later, adopted in Rome on 13 June 2002,[7]

Welcoming the concrete recommendations contained in the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in November 2004,[8]

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] Resolution 217 A (III).

[3] *Report of the World Food Conference, Rome, 5–16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[4] See resolution 55/2.

[5] See resolution 2200 A (XXI), annex.

[6] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit, 13–17 November 1996* (WFS 96/REP), part one, appendix.

[7] Food and Agriculture Organization of the United Nations, *Report of the World Food Summit: five years later, 10–13 June 2002*, part one, appendix; see also A/57/499, annex.

[8] Food and Agriculture Organization of the United Nations, *Report of the Council of the Food and Agriculture Organization of the United Nations, One Hundred and Twenty-seventh Session, Rome, 22–27 November 2004* (CL 127/REP), appendix D; see also E/CN.4/2005/131.

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated,

Reaffirming also that a peaceful, stable and enabling political, social and economic environment, at both the national and the international levels, is the essential foundation that will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as in the Rome Declaration on World Food Security and the Declaration of the World Food Summit: five years later, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures that are not in accordance with international law and the Charter of the United Nations and that endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration on World Food Security and the World Food Summit Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies where coordinated efforts and shared responsibilities are essential,

Recognizing that the problems of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Expressing its deep concern at the number and scale of natural disasters, diseases and pests and their increasing impact in recent years, which have resulted in massive loss of life and livelihood and threatened agricultural production and food security, in particular in developing countries,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. *Reaffirms* that hunger constitutes an outrage and a violation of human dignity and therefore requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. *Also reaffirms* the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger, so as to be able to fully develop and maintain their physical and mental capacities;

3. *Considers it intolerable* that there are about 852 million undernourished people in the world, that every five seconds a child under the age of 5 dies from hunger or hunger-related diseases somewhere in the world, when, according to the Food and Agriculture Organization of the United Nations, the planet could produce enough food to provide 2,100 kilocalories per person per day to 12 billion people, twice the world's present population;

4. *Expresses its concern* that women are disproportionately affected by hunger, food insecurity and poverty, in part as a result of gender inequality and discrimination, that in many countries, girls are twice as likely as boys to die from

malnutrition and preventable childhood diseases, and that it is estimated that almost twice as many women as men suffer from malnutrition;

5. *Encourages* all States to take action to address gender inequality and discrimination against women, in particular where it contributes to the malnutrition of women and girls, including measures to ensure the full and equal realization of the right to food and ensuring that women have equal access to resources, including income, land and water, to enable them to feed themselves and their families;

6. *Encourages* the Special Rapporteur of the Commission on Human Rights on the right to food to continue mainstreaming a gender perspective in the fulfilment of his mandate, and encourages the Food and Agriculture Organization of the United Nations and all other United Nations bodies and mechanisms addressing the right to food and food insecurity to integrate a gender perspective into their relevant policies, programmes and activities;

7. *Encourages* all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and, as soon as possible, to enjoy fully the right to food, and to create and adopt national plans to combat hunger;

8. *Acknowledges* that many indigenous organizations and representatives of indigenous communities have expressed in different forums their deep concerns over the obstacles and challenges for their full enjoyment of the right to food, and calls upon States to take special actions to combat the root causes of the disproportionately high level of hunger and malnutrition among indigenous peoples and the continuous discrimination against them;

9. *Requests* all States and private actors, as well as international organizations within their respective mandates, to take fully into account the need to promote the effective realization of the right to food for all, including in the ongoing negotiations in different fields;

10. *Stresses* the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, and to reinforce national actions to implement sustainable food security policies;

11. *Recalls* the importance of the New York Declaration on Action against Hunger and Poverty, which has been supported by more than one hundred countries to date, and recommends the continuation of efforts aimed at identifying additional sources of financing for the fight against hunger and poverty;

12. *Recognizes* that the promises made at the World Food Summit in 1996 to halve the number of persons who are undernourished are not being fulfilled, and invites once again all international financial and development institutions, as well as the relevant United Nations agencies and funds, to give priority to and provide the necessary funding to realize the aim of halving by 2015 the proportion of people who suffer from hunger, as well as the right to food as set out in the Rome Declaration on World Food Security[6] and the United Nations Millennium Declaration;[4]

13. *Urges* States to give adequate priority in their development strategies and expenditures to the realization of the right to food;

14. *Stresses* the importance of international development cooperation and assistance, in particular in emergency situations such as natural and man-made disasters, diseases and pests, for the realization of the right to food and the

achievement of sustainable food security, while recognizing that each country has the primary responsibility for ensuring the implementation of national programmes and strategies in this regard;

15. *Calls upon* Member States, the United Nations system and other relevant stakeholders to support national efforts aimed at responding rapidly to the food crises currently occurring across Africa;

16. *Invites* all relevant international organizations, including the World Bank and the International Monetary Fund, to promote policies and projects that have a positive impact on the right to food, to ensure that partners respect the right to food in the implementation of common projects, to support strategies of Member States aimed at the fulfilment of the right to food and to avoid any actions that could have a negative impact on the realization of the right to food;

17. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights on the right to food,[9] and also takes note of his valuable work in the promotion of the right to food;

18. *Supports* the realization of the mandate of the Special Rapporteur as extended by the Commission on Human Rights in its resolution 2003/25 of 22 April 2003;[10]

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur;

20. *Welcomes* the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its General Comment No. 12 (1999) on the right to adequate food (article 11 of the International Covenant on Economic, Social and Cultural Rights),[11] in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights, and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and the international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

21. *Recalls* General Comment No. 15 (2002) of the Committee on the right to water (articles 11 and 12 of the Covenant),[12] in which the Committee noted, inter alia, the importance of ensuring sustainable water resources for human consumption and agriculture in realization of the right to adequate food;

22. *Welcomes* the adoption by the Council of the Food and Agriculture Organization of the United Nations of the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security,[8] which represent a practical tool to promote the realization of the right to food for all, contribute to the achievement of food security and thus provide

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[9] See A/60/350.

[10] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[11] Ibid., *2000, Supplement No. 2* and corrigendum (E/2000/22 and Corr.1), annex V.

[12] Ibid., *2003, Supplement No. 2* (E/2003/22), annex IV.

an additional instrument in the attainment of internationally agreed development goals, including those contained in the Millennium Declaration;

23. *Also welcomes* the continued cooperation of the High Commissioner, the Committee and the Special Rapporteur, and encourages them to continue their cooperation in this regard;

24. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his task, to supply all necessary information requested by him and to give serious consideration to responding favourably to the requests of the Special Rapporteur to visit their countries to enable him to fulfil his mandate more effectively;

25. *Requests* the Special Rapporteur to submit a comprehensive report to the Commission on Human Rights at its sixty-second session and an interim report to the General Assembly at its sixty-first session on the implementation of the present resolution;

26. *Invites* Governments, relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate, inter alia, through the submission of comments and suggestions on ways and means of realizing the right to food;

27. *Decides* to continue the consideration of the question at its sixty-first session under the item entitled "Human rights questions".

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16 December 2005

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.2 (Part II))*]

60/166. Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Reaffirming the call of the World Conference on Human Rights upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,[3]

Reaffirming also the recognition by the World Conference on Human Rights that all human rights are universal, indivisible, interdependent and interrelated,

Recalling General Assembly resolution 56/6 of 9 November 2001 on the Global Agenda for Dialogue among Civilizations, in which the Assembly recognized the valuable contribution that dialogue among civilizations could make to an improved awareness and understanding of the common values shared by all humankind,

Acknowledging that in order to be effective, such a dialogue should be based on respect for the dignity of adherents of religions and beliefs, as well as respect for diversity and the universal promotion and protection of human rights,

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[1] See resolution 2200 A (XXI), annex.

[2] Resolution 217 A (III).

[3] See A/CONF.157/24 (Part I), chap. III, sect. II, para. 22.

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Considering also that the disregard for and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion or belief, have brought, directly or indirectly, wars and great suffering to humankind,

Recognizing the importance of promoting dialogue among civilizations in order to enhance mutual understanding and knowledge among different social groups, cultures and civilizations in various areas, including culture, religion, education, information, science and technology, and in order to contribute to the promotion and protection of human rights and fundamental freedoms,

Recalling Commission on Human Rights resolution 2005/40 of 19 April 2005 on the elimination of all forms of intolerance and of discrimination based on religion or belief,[4]

Seriously concerned at all attacks upon religious places, sites and shrines, including any deliberate destruction of relics and monuments,

Seriously concerned also at the misuse of registration procedures as a means to limit the right to freedom of religion or belief of members of certain religious communities and at the limitations placed on religious publications,

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

Convinced of the need to address, for instance, in the context of the Global Agenda for Dialogue among Civilizations[5] the rise in all parts of the world of religious extremism affecting the rights of individuals and groups based on religion or belief, the situations of violence and discrimination that affect many women as a result of religion or belief and the abuse of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations,

Resolved to adopt all necessary and appropriate measures for the speedy elimination of such intolerance based on religion or belief in all its forms and manifestations and to prevent and combat discrimination based on religion or belief,

Noting that a formal or legal distinction at the national level between different kinds of religions or faith-based communities may, in some cases, constitute discrimination and may impinge on the enjoyment of the freedom of religion or belief,

Underlining the importance of education in the promotion of tolerance which involves the acceptance by the public of, and its respect for, diversity, including with regard to religious expressions, and underlining also the fact that education, in particular at school, should contribute in a meaningful way to promoting tolerance and the elimination of discrimination based on religion or belief,

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[4] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[5] See resolution 56/6.

Recalling the importance of the International Consultative Conference on School Education in relation to Freedom of Religion or Belief, Tolerance and Non-Discrimination, held in Madrid from 23 to 25 November 2001, and continuing to invite Governments to give consideration to the Final Document adopted at the Conference,[6]

Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect and freedom of religion or belief,

Recognizing the importance of interreligious and intrareligious dialogue and the role of religious and other non-governmental organizations in promoting tolerance in matters relating to religion or belief,

Believing that further intensified efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion or belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief, as also noted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,

1. *Takes note with appreciation* of the work and the report of the Special Rapporteur of the Commission on Human Rights on freedom of religion or belief;[7]

2. *Condemns* all forms of intolerance and of discrimination based on religion or belief;

3. *Encourages* the efforts made by the United Nations High Commissioner for Human Rights to coordinate in the field of human rights the activities of relevant United Nations organs, bodies and mechanisms dealing with all forms of intolerance and of discrimination based on religion or belief;

4. *Urges* States:

(*a*) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religion or belief, is violated;

(*b*) To exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights law, to ensure that religious places, sites, shrines and religious symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;

(*c*) To review, whenever relevant, existing registration practices in order to ensure the right of all persons to manifest their religion or belief, alone or in community with others and in public or in private;

(*d*) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

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[6] E/CN.4/2002/73, appendix.

[7] E/CN.4/2005/61 and Corr.1 and Add.1 and 2.

(*e*) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(*f*) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(*g*) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;

5. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

6. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many in the name of religion or belief;

7. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio-visual and electronic media or any other means;

8. *Stresses* the need to strengthen dialogue, inter alia, by revitalizing the Global Agenda for Dialogue among Civilizations;[5]

9. *Invites* States, the Special Rapporteur, the Office of the United Nations High Commissioner for Human Rights and other relevant entities of the United Nations system, such as the United Nations Educational, Scientific and Cultural Organization, and other international and regional organizations and civil society to consider promoting dialogue among civilizations in order to contribute to the elimination of intolerance and discrimination based on religion or belief, inter alia, by addressing the following issues within the framework of international standards of human rights:

(*a*) The rise of religious extremism affecting religions in all parts of the world;

(*b*) The situations of violence and discrimination that affect many women as a result of religion or belief;

(*c*) The use of religion or belief for ends inconsistent with the Charter of the United Nations and other relevant instruments of the United Nations;

10. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by:

(*a*) Taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, as well as incitement to hostility and violence, with particular regard to religious minorities, and devoting particular attention to practices that violate the human rights of women and discriminate against women, including in the exercise of their right to freedom of thought, conscience, religion or belief;

(*b*) Promoting and encouraging, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

(*c*) Undertaking all appropriate efforts to encourage those engaged in teaching to cultivate respect for all religions or beliefs, thereby promoting mutual understanding and tolerance;

11. *Invites* Governments, religious bodies and civil society to continue to undertake dialogue at all levels to promote greater tolerance, respect and understanding;

12. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, including as encompassed in the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding;

13. *Also emphasizes* that equating any religion with terrorism should be avoided, as this may have adverse consequences on the enjoyment of the right to freedom of religion or belief of all members of the religious communities concerned;

14. *Further emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

15. *Encourages* the continuing efforts in all parts of the world of the Special Rapporteur to examine incidents and governmental actions that are incompatible with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief[8] and to recommend remedial measures, as appropriate;

16. *Stresses* the need for the Special Rapporteur to continue to apply a gender perspective, inter alia, through the identification of gender-specific abuses, in the reporting process, including in information collection and in recommendations;

17. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

18. *Recommends* that the United Nations and other actors, in their efforts to promote freedom of religion or belief, ensure the widest possible dissemination of the text of the Declaration in as many different languages as possible by United Nations information centres and by other interested bodies;

19. *Decides* to continue its consideration of measures to implement the Declaration;

[8] See resolution 36/55.

20. *Welcomes* the work of the Special Rapporteur and urges all Governments to cooperate fully with the Special Rapporteur and to respond favourably to her requests to visit their countries and to provide her with all necessary information so as to enable her to fulfil her mandate even more effectively;

21. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to enable her to discharge her mandate fully;

22. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-first session;

23. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-first session under the item entitled "Human rights questions".

64th plenary meeting
16 December 2005

United Nations A/RES/60/167

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.2 (Part II))*]

60/167. Human rights and cultural diversity

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] as well as other pertinent human rights instruments,

Recalling also its resolutions 54/160 of 17 December 1999, 55/91 of 4 December 2000, 57/204 of 18 December 2002 and 58/167 of 22 December 2003, and recalling further its resolutions 54/113 of 10 December 1999, 55/23 of 13 November 2000 and 60/4 of 20 October 2005 concerning the United Nations Year of Dialogue among Civilizations,

Noting that numerous instruments within the United Nations system promote cultural diversity, as well as the conservation and development of culture, in particular the Declaration of the Principles of International Culture Cooperation proclaimed on 4 November 1966 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fourteenth session,[3]

Taking note of the note by the Secretary-General,[4]

Welcoming the adoption of the Global Agenda for Dialogue among Civilizations by its resolution 56/6 of 9 November 2001,

Welcoming also the contribution of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa, from 31 August to 8 September 2001, to the promotion of respect for cultural diversity,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Fourteenth Session, Paris, 1966, Resolutions*.

[4] A/60/340.

Welcoming further the Universal Declaration on Cultural Diversity of the United Nations Educational, Scientific and Cultural Organization,[5] together with its Action Plan,[6] adopted on 2 November 2001 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-first session, in which member States invited the United Nations system and other intergovernmental and non-governmental organizations concerned to cooperate with the United Nations Educational, Scientific and Cultural Organization in the promotion of the principles set forth in the Declaration and its Action Plan with a view to enhancing the synergy of actions in favour of cultural diversity,

Reaffirming that all human rights are universal, indivisible, interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and that, while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recognizing that cultural diversity and the pursuit of cultural development by all peoples and nations are a source of mutual enrichment for the cultural life of humankind,

Taking into account that a culture of peace actively fosters non-violence and respect for human rights and strengthens solidarity among peoples and nations and dialogue between cultures,

Recognizing that all cultures and civilizations share a common set of universal values,

Recognizing also that the promotion of the rights of indigenous people and their cultures and traditions will contribute to the respect for and observance of cultural diversity among all peoples and nations,

Considering that tolerance of cultural, ethnic, religious and linguistic diversities, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards different cultures and religions generate hatred and violence among peoples and nations throughout the world,

Recognizing in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity, and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind,

Convinced that the promotion of cultural pluralism and tolerance towards and dialogue among various cultures and civilizations would contribute to the efforts of all peoples and nations to enrich their cultures and traditions by engaging in a mutually beneficial exchange of knowledge and intellectual, moral and material achievements,

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[5] United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Thirty-first Session, Paris, 15 October–3 November 2001*, vol. 1 and corrigendum: *Resolutions*, chap. V, resolution 25, annex I.

[6] Ibid., annex II.

Acknowledging the diversity of the world, recognizing that all cultures and civilizations contribute to the enrichment of humankind, acknowledging the importance of respect and understanding for religious and cultural diversity throughout the world, and, in order to promote international peace and security, committing itself to advancing human welfare, freedom and progress everywhere, as well as to encouraging tolerance, respect, dialogue and cooperation among different cultures, civilizations and peoples,

1. *Affirms* the importance for all peoples and nations to hold, develop and preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect;

2. *Welcomes* the adoption on 8 September 2000 of the United Nations Millennium Declaration,[7] in which Member States consider, inter alia, that tolerance is one of the fundamental values essential to international relations in the twenty-first century and that it should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity;

3. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

4. *Affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

5. *Expresses its determination* to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity;

6. *Affirms* that intercultural dialogue essentially enriches the common understanding of human rights and that the benefits to be derived from the encouragement and development of international contacts and cooperation in the cultural fields are important;

7. *Welcomes* the recognition at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of the necessity of respecting and maximizing the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and among communities and nations, in particular through public information and educational programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes in which the public authorities work in partnership with international and non-governmental organizations and other sectors of civil society;

8. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of universally accepted human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

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[7] See resolution 55/2.

9. *Emphasizes* that the promotion of cultural pluralism and tolerance at the national, regional and international levels is important for enhancing respect for cultural rights and cultural diversity;

10. *Also emphasizes* that tolerance and respect for diversity facilitate the universal promotion and protection of human rights, including gender equality and the enjoyment of all human rights by all, and underlines the fact that tolerance and respect for cultural diversity and the universal promotion and protection of human rights are mutually supportive;

11. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

12. *Urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization and exclusion of, and discrimination against, specific sectors of society;

13. *Calls upon* States, international organizations and United Nations agencies, and invites civil society, including non-governmental organizations, to recognize and promote respect for cultural diversity for the purpose of advancing the objectives of peace, development and universally accepted human rights;

14. *Requests* the Secretary-General, in the light of the present resolution, to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, as well as the considerations in the present resolution regarding the recognition and importance of cultural diversity among all peoples and nations in the world, and to submit the report to the General Assembly at its sixty-second session;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to bear in mind fully the issues raised in the present resolution in the course of its activities for the promotion and protection of human rights;

16. *Decides* to continue consideration of the question at its sixty-second session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.2 (Part II))*]

60/168. Protection of and assistance to internally displaced persons

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Recognizing the significant number of persons who have become internally displaced owing to natural disasters over the course of the past twelve months,

Conscious of the human rights and the humanitarian dimensions of the problem of internally displaced persons, including in long-term displacement situations, and the responsibilities of States and the international community to strengthen further their protection and assistance,

Emphasizing that States have the primary responsibility to provide protection and assistance to internally displaced persons within their jurisdiction as well as to address the root causes of the displacement problem in appropriate cooperation with the international community,

Noting the growing awareness of the international community of the issue of internally displaced persons worldwide and the urgency of addressing the root causes of their displacement and finding durable solutions, including voluntary return in safety and with dignity, or local integration,

Recalling the relevant norms of international human rights law, international humanitarian law and international refugee law, and recognizing that the protection of internally displaced persons has been strengthened by identifying, reaffirming and consolidating specific standards for their protection, in particular through the Guiding Principles on Internal Displacement,[1]

Emphasizing the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and welcoming the continued initiatives taken in order to ensure better

[1] E/CN.4/1998/53/Add.2, annex.

protection, assistance and development strategies for internally displaced persons, as well as better coordination of activities regarding them,

Commending the Representative of the Secretary-General on the human rights of internally displaced persons for the activities undertaken so far, for the catalytic role that he plays in raising the level of consciousness about the plight of internally displaced persons and his efforts to promote a comprehensive strategy that focuses on prevention as well as better protection and assistance and addressing the development and other specific needs of internally displaced persons, including through the mainstreaming of the human rights of internally displaced persons into all relevant parts of the United Nations system,

Taking note of Commission on Human Rights resolution 2005/46 of 19 April 2005,[2] and recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[3] regarding the need to develop global strategies to address the problem of internal displacement,

Deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations, and noting that the Rome Statute of the International Criminal Court[4] defines the deportation or forcible transfer of population as a crime against humanity and the unlawful deportation or transfer of the civilian population, as well as ordering the displacement of the civilian population, as war crimes,

Welcoming the increasing dissemination, promotion and application of the Guiding Principles when dealing with situations of internal displacement,

Welcoming also the cooperation established between the new Representative of the Secretary-General and the United Nations and other international and regional organizations, and encouraging further strengthening of his collaboration in order to promote better protection, assistance and development strategies for internally displaced persons,

Acknowledging with appreciation the important and independent contribution of the International Red Cross and Red Crescent Movement and other humanitarian agencies in protecting and assisting internally displaced persons, in cooperation with relevant international bodies,

Recalling its resolution 58/177 of 22 December 2003,

1. *Welcomes* the appointment of the new Representative of the Secretary-General on the human rights of internally displaced persons;

2. *Welcomes also* the report of the Representative of the Secretary-General,[5] and takes note of his conclusions and recommendations;

3. *Expresses its appreciation* to those Governments and intergovernmental and non-governmental organizations that have provided protection and assistance to internally displaced persons and have supported the work of the Representative of the Secretary-General;

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[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[3] A/CONF.157/24 (Part I), chap. III.

[4] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

[5] See A/60/338 and Corr.1.

4. *Encourages* the Representative of the Secretary-General, through continuous dialogue with Governments and all intergovernmental and non-governmental organizations concerned, to continue his analysis of the causes of internal displacement, the needs and rights of those displaced, measures of prevention and ways to strengthen protection, assistance and solutions for internally displaced persons, taking into account specific situations, and to include information thereon in his reports to the Commission on Human Rights and the General Assembly;

5. *Expresses particular concern* at the grave problems faced by many internally displaced women and children, including violence and abuse, sexual exploitation, forced recruitment and abduction, and welcomes the commitment of the Representative of the Secretary-General to pay more systematic and in-depth attention to their particular assistance, protection and development needs, as well as to other groups with special needs, such as severely traumatized individuals, older persons and persons with disabilities, taking into account the relevant resolutions of the General Assembly and bearing in mind Security Council resolution 1325 (2000) of 31 October 2000;

6. *Notes with appreciation* the increasing role of national human rights institutions in assisting internally displaced persons and in promoting and protecting their human rights;

7. *Notes* the importance of taking the human rights and the specific protection and assistance needs of internally displaced persons into consideration, when appropriate, in peace processes and reintegration and rehabilitation processes;

8. *Recognizes* the Guiding Principles on Internal Displacement[1] as an important international framework for the protection of internally displaced persons, welcomes the fact that an increasing number of States, United Nations agencies and regional and non-governmental organizations are applying them as a standard, and encourages all relevant actors to make use of the Guiding Principles when dealing with situations of internal displacement;

9. *Welcomes* the fact that the Representative of the Secretary-General continues to use the Guiding Principles in his dialogue with Governments and intergovernmental and non-governmental organizations and other relevant actors, and requests him to continue his efforts to further the dissemination, promotion and application of the Guiding Principles and to provide support for efforts to promote capacity-building and the use of the Guiding Principles, as well as the development of domestic legislation and policies;

10. *Urges* all Governments to continue to facilitate the activities of the Representative of the Secretary-General, in particular Governments with situations of internal displacement, and to give serious consideration to inviting the Representative to visit their countries so as to enable him to continue and enhance dialogue with Governments in addressing situations of internal displacement, and thanks those Governments that have already done so;

11. *Invites* Governments to give serious consideration, in dialogue with the Representative of the Secretary-General, to the recommendations and suggestions addressed to them, in accordance with his mandate, and to inform him of measures taken thereon;

12. *Calls upon* Governments to provide protection and assistance, including reintegration and development assistance, to internally displaced persons, and to facilitate the efforts of relevant United Nations agencies and humanitarian

organizations in these respects, including by further improving access to internally displaced persons;

13. *Emphasizes* the central role of the Emergency Relief Coordinator for the inter-agency coordination of protection of and assistance to internally displaced persons, and notes with appreciation the work of the Inter-Agency Internal Displacement Division within the Office for the Coordination of Humanitarian Affairs of the Secretariat;

14. *Takes note* of the efforts currently under way by the United Nations humanitarian system, emphasizes the need to strengthen further inter-agency arrangements and the capacities of the United Nations agencies and other relevant actors to meet the immense humanitarian challenges of internal displacement, and underlines in this regard the importance of an effective, accountable and predictable collaborative approach;

15. *Encourages* all relevant United Nations agencies and humanitarian assistance, human rights and development organizations to enhance their collaboration and coordination, through the Inter-Agency Standing Committee and in countries with situations of internal displacement, and to provide all possible assistance and support to the Representative of the Secretary-General;

16. *Notes with appreciation* the increased attention paid to the issue of internally displaced persons in the consolidated inter-agency appeals process, and encourages further efforts in this regard;

17. *Recognizes* the relevance of the global database on internally displaced persons advocated by the Representative of the Secretary-General, and encourages the members of the Inter-Agency Standing Committee and Governments to continue to collaborate on and support this effort, including by providing relevant data on situations of internal displacement and financial resources;

18. *Welcomes* the initiatives undertaken by regional organizations, such as the African Union, the Organization of American States, the Organization for Security and Cooperation in Europe, the Intergovernmental Authority on Development, the Council of Europe, the Commonwealth and the Economic Community of West African States, to address the protection, assistance and development needs of internally displaced persons, and encourages them and other regional organizations to strengthen their activities and their cooperation with the Representative of the Secretary-General;

19. *Requests* the Secretary-General to provide his Representative, from within existing resources, with all necessary assistance to carry out his mandate effectively, and encourages the Representative to continue to seek the contributions of States, relevant organizations and institutions in order to create a more stable basis for his work;

20. *Requests* the Representative of the Secretary-General to prepare, for consideration by the General Assembly at its sixty-second session, a report on the implementation of the present resolution;

21. *Decides* to continue its consideration of the question of protection of and assistance to internally displaced persons at its sixty-second session.

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60/169. Protection of migrants

The General Assembly,

Reaffirming the Universal Declaration of Human Rights,[1] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Recalling its resolution 59/194 of 20 December 2004, taking note of Commission on Human Rights resolution 2005/47 of 19 April 2005,[2] and recalling its resolution 40/144 of 13 December 1985, by which it adopted the Declaration on the Human Rights of Individuals Who are not Nationals of the Country in which They Live,

Considering that every State party to the International Covenant on Civil and Political Rights[3] must ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, and that every State party to the International Covenant on Economic, Social and Cultural Rights[3] has undertaken to guarantee the exercise of all rights enunciated in that Covenant without discrimination of any kind, including, in particular, on the basis of national origin,

Reaffirming the provisions concerning migrants adopted by the World Conference on Human Rights,[4] the International Conference on Population and Development,[5] the World Summit for Social Development[6] and the Fourth World Conference on Women,[7]

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[1] Resolution 217 A (III).

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[3] See resolution 2200 A (XXI), annex.

[4] See A/CONF.157/24 (Part I), chap. III.

[5] See *Report of the International Conference on Population and Development, Cairo, 5–13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[6] See *Report of the World Summit for Social Development, Copenhagen, 6–12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[7] See *Report of the Fourth World Conference on Women, Beijing, 4–15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

Reaffirming also the provisions on the human rights of migrants contained in the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[8] and expressing its satisfaction at the important recommendations made for the development of international and national strategies for the protection of migrants and for the design of migration policies that fully respect the human rights of migrants,

Recalling the renewed commitment made in the United Nations Millennium Declaration[9] and at the 2005 World Summit[10] to take measures to ensure respect for and protection of the human rights of migrants, migrant workers and their families, to eliminate the increasing acts of racism and xenophobia in many societies and to promote greater harmony, tolerance and respect in all societies,

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to Information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of the Undocumented Migrants, issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*,[11] and recalling the obligations of States reaffirmed therein,

Encouraged by the increasing interest of the international community in the effective and full protection of the human rights of all migrants, and underlining the need to make further efforts to ensure respect for the human rights and fundamental freedoms of all migrants,

Aware of the increasing number of migrants worldwide, and bearing in mind the situation of vulnerability in which migrants and their accompanying families can find themselves when outside their States of origin owing, inter alia, to the difficulties they encounter because of discrimination in society, differences of language, custom and culture, as well as the economic and social difficulties and obstacles to the return of migrants to their States of origin, especially those who are undocumented or in an irregular migratory situation,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect of the human rights and fundamental freedoms of migrants,

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[8] See A/CONF.189/12 and Corr.1, chap. I.

[9] See resolution 55/2.

[10] See resolution 60/1.

[11] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 4* (A/59/4), chap. V, sect. A.23.

Concerned at the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and underlining the obligation of States to respect the human rights of those migrants,

Deeply concerned at the manifestations of violence, racism, racial discrimination, xenophobia and other forms of intolerance and inhuman and degrading treatment against migrants, especially women and children, in different parts of the world,

Concerned that the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has indicated the appearance of new forms of discrimination targeting migrants, among other groups,

Noting the strong concern expressed by the special rapporteurs, special representatives, independent experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme regarding the continued deterioration in the situation and the denial of the human rights of migrants, in particular current attempts to institutionalize discrimination against and exclusion of migrants, in the joint statement made at their eleventh annual meeting,[12]

Highlighting the importance of creating conditions that favour greater harmony, tolerance and respect between migrants and the rest of society in countries of transit or destination in order to eliminate manifestations of racism and xenophobia against migrants, including members of their families,

Recognizing the positive and diverse contributions that migrants make to host societies and societies of origin and the efforts that some host countries and countries of origin undertake to integrate and reintegrate migrants,

Recognizing also the increasing participation of women in international migration movements,

Acknowledging the work of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Acknowledging also the work done by the International Labour Organization and the International Organization for Migration in addressing migration issues,

Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, and urges States to apply the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts, and calls upon States to implement fully the commitments and recommendations relating to the promotion and protection of the human rights of migrants contained in the Durban Declaration and Programme of Action[8] through, inter alia, the adoption of national plans of action, as recommended by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance;

[12] E/CN.4/2005/5, annex I, sect. C.

2. *Strongly condemns also* all forms of racial discrimination and xenophobia related to access to employment, vocational training, housing, schooling, health services and social services, as well as services intended for use by the public;

3. *Welcomes* the active role played by governmental and non-governmental organizations in combating racism and xenophobia and in assisting victims of racist acts, including migrant victims;

4. *Calls upon* all States to consider reviewing and, where necessary, revising immigration policies with a view to eliminating all discriminatory practices against migrants and their families and adopting effective action to create conditions that foster greater harmony, tolerance and respect within societies, and to provide specialized training for government policymaking, law enforcement, migration and other concerned officials, including in cooperation with non-governmental organizations and civil society;

5. *Requests* States effectively to promote and protect the human rights and fundamental freedoms of all migrants, regardless of their immigration status, especially those of women and children, in conformity with the Universal Declaration of Human Rights[1] and the international instruments to which they are party, which may include the International Covenants on Human Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[13] the Convention on the Elimination of All Forms of Discrimination against Women,[14] the Convention on the Rights of the Child,[15] the International Convention on the Elimination of All Forms of Racial Discrimination,[16] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[17] and other relevant human rights instruments;

6. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, with a view to addressing, in a comprehensive manner, its causes and consequences and granting priority to the protection of the human rights of migrants;

7. *Welcomes* the increasing number of signatures and ratifications or accessions to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and calls upon States that have not done so to consider signing and ratifying or acceding to the Convention as a matter of priority;

8. *Urges* States parties to the United Nations Convention against Transnational Organized Crime and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[18] to implement them fully, and calls upon States that have not done so to consider ratifying them as a matter of priority;

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[13] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[14] Ibid., vol. 1249, No. 20378.

[15] Ibid., vol. 1577, No. 27531.

[16] Resolution 2106 A (XX), annex.

[17] United Nations, *Treaty Series*, vol. 2220, No. 39481.

[18] Resolution 55/25, annexes I–III.

9. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations of 1963,[19] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in the case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform without delay the foreign national of his or her rights under the Convention;

10. *Expresses concern* about the legislation and the measures adopted by some States that restrict the human rights and fundamental freedoms of migrants;

11. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

12. *Calls upon* States to facilitate family reunification in an expeditious and effective manner, with due regard to applicable laws, as such reunification has a positive effect on the integration of migrants;

13. *Encourages* all States to integrate a gender and age perspective in developing and implementing international migration policies and programmes in order to adopt the necessary measures to better protect women and children against possible dangers and abuse associated with migration and to foster opportunities for their contribution to their societies of origin and destination;

14. *Calls upon* States to promote and protect all human rights of migrant children, given their vulnerability, in particular unaccompanied migrant children, ensuring that the best interests of the children are a primary consideration, underlines the importance of reuniting them with their parents, when possible, and encourages the relevant United Nations bodies, within the framework of their respective mandates, to pay special attention to the conditions of migrant children in all States and, where necessary, to put forward recommendations for strengthening their protection, especially against sexual abuse, sexual exploitation, trafficking, the threat or use of force or other forms of coercion, including coercion into begging and drug dealing, in particular by national or transnational organized crime groups;

15. *Encourages* States of origin to promote and protect the human rights of those families of migrant workers that remain in the countries of origin, paying particular attention to children and adolescents whose parents have emigrated, and encourages international organizations to consider supporting States in this regard;

16. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

17. *Encourages* all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of earnings, assets and pensions of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

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[19] United Nations, *Treaty Series*, vol. 596, No. 8638.

18. *Calls upon* States to observe national legislation and applicable international legal instruments to which they are party when enacting national security measures in order to respect the human rights of migrants;

19. *Urges* all States to adopt effective measures to put an end to the arbitrary arrest and detention of migrants and to take action to prevent and punish any form of illegal deprivation of liberty of migrants by individuals or groups;

20. *Also urges* all States to employ duly authorized and trained government officials to enforce their immigration laws and border controls and to take appropriate and effective measures to deter and prevent private persons or groups from violating criminal and immigration laws relating to border enforcement and from wrongfully undertaking actions reserved to government officials, including by prosecuting those violations of the law that may result from such actions;

21. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

22. *Calls upon* States that have not yet done so to enact domestic legislation and to take further effective measures to combat and prosecute international trafficking in and smuggling of migrants, recognizing that these crimes may endanger the lives of migrants or subject them to harm, servitude or exploitation, which may include debt bondage, slavery and sexual exploitation or forced labour, and urges States to strengthen international cooperation to combat such trafficking and smuggling and to protect the victims of trafficking;

23. *Encourages* States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone, in particular women, to make informed decisions and to prevent them from becoming victims of trafficking and utilizing dangerous means of access to countries of transit and destination that put their lives and physical integrity at risk;

24. *Also encourages* States to consider participating in international and regional dialogues on migration that include countries of origin and destination, as well as countries of transit, and invites them to consider negotiating bilateral and regional agreements on migrant workers within the framework of applicable human rights law and designing and implementing programmes with States of other regions to protect the rights of migrants;

25. *Requests* Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and her Office, as well as the Special Rapporteur of the Commission on Human Rights on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on migration and development within the United Nations system, including, in particular, at the high-level dialogue on international migration and development that will be held in 2006, pursuant to General Assembly resolution 58/208 of 23 December 2003;

26. *Invites* States, the United Nations system and intergovernmental and non-governmental organizations to observe, on 18 December of each year, International Migrants Day, proclaimed by the General Assembly,[20] through, inter alia, the dissemination of information on the human rights and fundamental freedoms of migrants and on their economic, social and cultural contributions to their host and home countries, the sharing of experience and the adoption of measures to ensure their protection, and to promote greater harmony, tolerance and respect between migrants and the societies in which they live;

27. *Welcomes* the renewal of the mandate of the Special Rapporteur of the Commission on Human Rights on the human rights of migrants for a period of three years and the appointment of the new Special Rapporteur, and takes note with interest of the interim report submitted by him to the General Assembly,[21] including the proposed methods of work for the fulfilment of his mandate;

28. *Requests* all Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested and to respond appropriately and expeditiously to his urgent appeals and to give serious consideration to his requests to visit their countries, and welcomes in this regard the standing invitations extended by some Member States to all special procedures, including the Special Rapporteur;

29. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

30. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of his mandate;

31. *Takes note* of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its second session,[22] and requests the Secretary-General to arrange, within existing resources, two sessions for the Committee in 2006, in spring and autumn, respectively, each of a duration of one week;

32. *Takes note also* of the report of the Secretary-General on the protection of migrants,[23] and calls upon Member States and all relevant stakeholders to consider the implementation of the recommendations contained therein;

33. *Decides* to examine the question further at its sixty-first session under the item entitled "Human rights questions".

64th plenary meeting
16 December 2005

[20] See resolution 55/93.
[21] See A/60/357.
[22] *Official Records of the General Assembly, Sixtieth Session, Supplement No. 48* (A/60/48).
[23] A/60/272.

United Nations A/RES/60/170

General Assembly

Distr.: General
9 March 2006

Sixtieth session
Agenda item 71 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.3 and Corr.1)*]

60/170. Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Reaffirming that all States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms, and the duty to fulfil the obligations they have undertaken under the various instruments in this field,

Noting that the Democratic Republic of the Congo is a party to several international and regional human rights instruments and to several instruments pertaining to international humanitarian law,

Underlining the importance of elections as the foundation for the longer-term restoration of peace and stability, national reconciliation, the rule of law and lasting promotion and protection of human rights in the Democratic Republic of the Congo,

Recalling its previous resolutions, as well as those of the Commission on Human Rights and the Security Council, on the situation in the Democratic Republic of the Congo,

1. *Welcomes*:

(*a*) The report of the independent expert on the situation of human rights in the Democratic Republic of the Congo of 29 September 2005,[1] as well as his visit to the Democratic Republic of the Congo in August 2005;

(*b*) The strengthened mandate of the United Nations Organization Mission in the Democratic Republic of the Congo regarding the protection of civilians in accordance with Security Council resolution 1592 (2005) of 30 March 2005, and expresses its support for the continued work of the Mission and the Special Representative of the Secretary-General for the Democratic Republic of the Congo;

(*c*) The work accomplished by the human rights field office in the Democratic Republic of the Congo, and encourages the office to pursue and enhance its cooperation with the relevant agencies of the United Nations and the United

[1] See A/60/395.

Nations Organization Mission in the Democratic Republic of the Congo in the fulfilment of its mandate;

(*d*) The measures taken in 2005 by the authorities of the Democratic Republic of the Congo to arrest and detain leaders of militia groups suspected of committing killings and other serious crimes against civilians;

(*e*) The substantial progress made by the transitional national Government and the Independent Electoral Commission, with the welcome assistance of the United Nations Organization Mission in the Democratic Republic of the Congo, towards the holding of elections before June 2006 as specified in the Global and All-Inclusive Agreement, in particular the registration of voters and the enthusiasm shown by the Congolese people to embrace a democratic future;

2. *Takes note* of the contin ing investigation by the Office of the Prosecutor of the International Criminal Court, based upon the referral of the Democratic Republic of the Congo, into crimes allegedly committed in the territory of the Democratic Republic of the Congo since the entry into force of the Rome Statute of the International Criminal Court[2] on 1 July 2002;

3. *Requests* the United Nations High Commissioner for Human Rights to ensure that consultations continue between the field office of the Office of the High Commissioner in the Democratic Republic of the Congo and the Secretary-General concerning the ways in which to assist the transitional Government of the Democratic Republic of the Congo in tackling the problem of impunity, and looks forward to the report of the High Commissioner to the Commission on Human Rights at its sixty-second session on those consultations and on possible options for putting an end to the impunity of the perpetrators of crimes committed before 1 July 2002;

4. *Condemns*:

(*a*) The ongoing violations of human rights and international humanitarian law, particularly in North Kivu and South Kivu, northern Katanga and other areas in the eastern part of the Democratic Republic of the Congo, including armed violence and reprisals against the civilian population and the recourse to sexual violence against women and children, including in situations where such practices are being used as a weapon of war;

(*b*) The killing of United Nations peacekeeping troops by militia groups in Ituri Province, eastern Democratic Republic of the Congo, in February 2005 and in June 2005;

(*c*) The killing of Pascal Kabungulu Kibembi, Executive Secretary of the human rights non-governmental organization Héritiers de la Justice on 31 July 2005 and the harassment of human rights defenders across the country, but particularly in the eastern Democratic Republic of the Congo;

(*d*) The continued illegal exploitation of natural resources in the eastern Democratic Republic of the Congo and killings and other serious crimes against civilians committed by groups linked to the mining and trading of those resources, as well as the linkage between the illegal exploitation of natural resources, illicit

[2] *Official Records of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Rome, 15 June–17 July 1998*, vol. I: *Final documents* (United Nations publication, Sales No. E.02.I.5), sect. A.

trade in such resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating conflicts in the Democratic Republic of the Congo;

5. *Urges* all the parties, including non-signatories of the Global and All-Inclusive Agreement on the Transition, in the Democratic Republic of the Congo:

(*a*) To respect and further implement the Global and All-Inclusive Agreement and to cease immediately any action which impedes the consolidation of the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(*b*) To support the transitional Government and its institutions in order to allow for the re-establishment of political and economic stability and for the gradual reinforcement of State structures over the entire territory of the Democratic Republic of the Congo, in accordance with their obligations under the transitional Constitution and as per the text of the Constitution submitted for referendum in December 2005;

(*c*) To put an immediate end to the recruitment and use of child soldiers, which is contrary to international law and to the African Charter on the Rights and Welfare of the Child,[3] with the understanding that, under the Convention on the Rights of the Child[4] and the Optional Protocol thereto on the involvement of children in armed conflict,[5] and in accordance with Security Council resolutions 1539 (2004) of 22 April 2004 and 1612 (2005) of 26 July 2005 on children and armed conflict, persons under the age of 18 are entitled to special protection, and to develop and implement without delay the action plans called for in Council resolutions 1539 (2004) and 1612 (2005);

(*d*) To take special measures to protect women and children from the appalling violence, including sexual violence, which continues to be prevalent throughout the country, in particular in the eastern part of the country, and to bring the perpetrators of such crimes to justice as soon as possible, and condemns in particular the widespread use of sexual violence as a means of warfare;

(*e*) To respect international humanitarian law, in particular on the protection of civilians, and to ensure the safety, security and freedom of movement of all civilians and United Nations and associated personnel, and the unhindered access of humanitarian personnel to all of the affected population throughout the territory of the Democratic Republic of the Congo in accordance with Security Council resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000;

(*f*) To promote the full enjoyment of all human rights and to protect the safety, security and freedom of movement of all human rights defenders;

6. *Calls upon* the Government of National Unity and Transition to take specific measures:

(*a*) To complete the objectives of the transitional period as laid down in the Global and All-Inclusive Agreement, in particular the holding of free and transparent elections at all levels within the specified timetable, enabling the establishment of a democratic constitutional regime, and the formation of a

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[3] *Human Rights: A Compilation of International Instruments*, vol. II: *Regional Instruments* (United Nations publication, Sales No. E.97.XIV.1), sect. C, No. 39.

[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[5] Ibid., vol. 2173, No. 27531.

restructured and fully integrated national army, and also the formation of an integrated and adequately resourced national police force, while ensuring that government institutions, including the army and police, are trained in human rights aspects of their work; and ensuring that both light and heavy weapons are being surrendered in the disarmament process;

(*b*) To strengthen the transitional institutions, in particular to set up effectively the Independent Electoral Commission, and to make more effective the institutions for the strengthening of democracy, namely, the Truth and Reconciliation Commission, the Human Rights Monitoring Centre and the Haute Autorité des Médias, and to re-establish stability and the rule of law over the entire territory of the Democratic Republic of the Congo, thereby returning peace and progress to its people;

(*c*) To comply fully with its obligations under international human rights instruments and, accordingly, to continue to cooperate with United Nations mechanisms for the protection of human rights and further strengthen its cooperation with the Office of the United Nations High Commissioner for Human Rights and the Human Rights Section of the United Nations Organization Mission in the Democratic Republic of the Congo;

(*d*) To put an end to impunity and to ensure, as it is duty-bound to do, that those responsible for human rights violations and grave breaches of international humanitarian law are brought to justice in accordance with applicable international procedural standards, and to carry out urgently a comprehensive reform of the judicial and prison system;

(*e*) To promote the full enjoyment of all human rights by women and children and to meet the special needs of women and girls in post-conflict reconstruction, as well as to ensure the full participation of women in all aspects of conflict resolution and peace processes, including peacekeeping, conflict management and peacebuilding, as a matter of priority, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 on women and peace and security;

(*f*) To continue to cooperate fully with the International Criminal Court and with the International Criminal Tribunal for Rwanda, by ensuring that they have all necessary means with which to accomplish their tasks;

(*g*) To continue to uphold its commitment to abolishing the death penalty and not to impose it on juvenile offenders in line with its obligations assumed under the relevant provisions of the International Covenant on Civil and Political Rights[6] and other human rights instruments;

(*h*) To prevent the use of the media to incite hatred or tensions among communities, while respecting freedom of expression and of the press, particularly during the electoral campaign;

(*i*) To ensure that human rights defenders are protected from abuses, threats and harassment;

(*j*) To accelerate its programme to demobilize, disarm and reintegrate former combatants, taking into account the special needs of women and children, including girls, associated with those combatants;

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[6] See resolution 2200 A (XXI), annex.

(*k*) To ensure the rights and well-being of internally displaced persons;

(*l*) To increase its efforts to eliminate corruption in the Democratic Republic of the Congo, which contributes to a general climate of impunity, and to take steps towards the setting up of an arrangement to strengthen support for good governance and transparent economic management, with the support of the International Committee in Support of the Transition, the United Nations Organization Mission in the Democratic Republic of the Congo, international financial institutions and donors;

7. *Calls upon* the Governments of countries in the region, including the Democratic Republic of the Congo:

(*a*) To contribute to preventing armed groups operating in the eastern Democratic Republic of the Congo from perpetrating killings and other serious crimes by tackling the illicit trade by those armed groups in illegally extracted natural resources as well as the linkage between the illegal exploitation of natural resources, illicit trade in such resources and the proliferation and trafficking of arms, including by preventing support for such armed groups, while fully respecting the sovereignty, unity and territorial integrity of the Democratic Republic of the Congo;

(*b*) To work with the United Nations Organization Mission in the Democratic Republic of the Congo to take urgent steps towards the disarmament and resettlement or repatriation of foreign armed groups, which remain a threat to regional peace and perpetrate killings and serious crimes against the civilian population of the Democratic Republic of the Congo;

(*c*) To support the transitional process in the Democratic Republic of the Congo and adhere fully to the Principles on Good-neighbourly Relations and Cooperation between the Democratic Republic of the Congo and Burundi, Rwanda and Uganda, signed in New York on 25 September 2003,[7] to continue to work towards the successful implementation of the Joint Verification Mechanism, to work through the Tripartite Commission Plus One and to respect the principles of the Dar es Salaam Declaration of 20 November 2004, and welcomes steps taken in this regard to date;

(*d*) To peacefully repatriate members of the Forces démocratiques de libération du Rwanda returning to Rwanda, in accordance with the applicable norms of international law and with respect for human rights and fundamental freedoms, and to ensure the rights and well-being of returnees and refugee populations;

(*e*) To continue to cooperate with the International Criminal Court and with the International Criminal Tribunal for Rwanda, and, specifically in the case of the Democratic Republic of the Congo, to make swift progress towards passing legislation necessary for the International Criminal Court's investigations in the Democratic Republic of the Congo to proceed smoothly;

8. *Urges* the Secretary-General to continue his work aimed at eliminating sexual exploitation and abuse committed by personnel serving the United Nations Organization Mission in the Democratic Republic of the Congo;

[7] A/58/428-S/2003/983, annex.

9. *Encourages* the international community:

(*a*) To continue to support the transitional process in the Democratic Republic of the Congo and its institutions and, in particular, to support the electoral process and to provide further assistance for the reform of the justice system;

(*b*) To observe the arms embargo on the Democratic Republic of the Congo established by Security Council resolution 1493 (2003) of 28 July 2003 and expanded by Council resolution 1596 (2005) of 18 April 2005, and to enforce the sanctions measures against individuals identified by the Council in line with its resolution 1596 (2005) and its resolution 1616 (2005) of 29 July 2005;

(*c*) To continue to exert political pressure on concerned States and members of armed groups based in the eastern Democratic Republic of the Congo in order to limit their capacity for continued fund-raising, which contributes to ongoing killings and other serious crimes;

10. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the independent expert on the situation of human rights in the Democratic Republic of the Congo to report to the General Assembly at its sixty-first session.

64th plenary meeting
16 December 2005

United Nations A/RES/60/171

General Assembly

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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.3 and Corr.1)*]

60/171. Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the subject, the most recent of which is resolution 59/205 of 20 December 2004, and recalling also Commission on Human Rights resolution 2001/17 of 20 April 2001,[5]

Noting the statements made by the Government of the Islamic Republic of Iran on strengthening respect for human rights in the country and promoting the rule of law,

1. *Welcomes:*

(*a*) The open invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002 and the cooperation extended to the special procedures of the Commission on Human Rights during their visits;

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 2106 A (XX), annex.

[4] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[5] See *Official Records of the Economic and Social Council, 2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

(*b*) The visit of the Special Rapporteur of the Commission on Human Rights on violence against women, its causes and consequences to the Islamic Republic of Iran from 29 January to 6 February 2005;

(*c*) The visit of the Special Rapporteur of the Commission on Human Rights on adequate housing as a component of the right to an adequate standard of living to the Islamic Republic of Iran from 19 to 30 July 2005;

(*d*) The recommendation by the head of the judiciary of the Islamic Republic of Iran to judges in December 2002 that they choose alternative punishment in cases where the sentence of stoning would otherwise be imposed;

(*e*) The announcement by the head of the judiciary in April 2004 of the ban on torture and the subsequent passage of related legislation by the parliament, which was approved by the Guardian Council in May 2004;

(*f*) The compliance by the Islamic Republic of Iran with its obligation, as a party to the Convention on the Rights of the Child,[4] to deliver its presentation to the Committee on the Rights of the Child in January 2005;

(*g*) The human rights dialogues between the Islamic Republic of Iran and a number of countries, while regretting that a number of these have not been held at regular intervals lately;

(*h*) The cooperation with United Nations agencies in developing programmes in the field of human rights, good governance and the rule of law;

2. *Expresses its serious concern* at:

(*a*) The continuing harassment, intimidation and persecution of human rights defenders, non-governmental organizations, political opponents, religious dissenters, political reformists, journalists, parliamentarians, students, clerics, academics and webloggers, including through undue restrictions on the freedoms of assembly, opinion and expression, the use of arbitrary arrest, targeted at both individuals and their family members, and the unjustified closure of newspapers and blocking of Internet sites, as well as the absence of many conditions necessary for free and fair elections, including by the arbitrary disqualification of large numbers of prospective candidates, including all women, during the presidential elections of June 2005;

(*b*) The persistent failure to comply fully with international standards in the administration of justice and, in particular, the absence of due process of law, the refusal to provide fair and public hearings, the denial of the right to counsel and access to counsel by those detained, the use of national security laws to deny human rights, the harassment, intimidation and persecution of defence lawyers and legal defenders, the lack of respect for internationally recognized safeguards, inter alia, with respect to persons belonging to religious, ethnic or national minorities, officially recognized or otherwise, the application of arbitrary prison sentences, and the violation of the rights of detainees, including the systematic and arbitrary use of prolonged solitary confinement, the failure to provide proper medical care to those imprisoned and the arbitrary denial of contact between detainees and their family members;

(*c*) The continuing use of torture and cruel, inhuman or degrading treatment or punishment such as flogging and amputations;

(*d*) The continuing of public executions, including multiple public executions, and, on a large scale, other executions in the absence of respect for internationally recognized safeguards, and, in particular, deplores the execution of persons who were under the age of 18 at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights[5] and in spite of the announcement of a moratorium on juvenile executions;

(*e*) The continuing violence and discrimination against women and girls in law and in practice, despite some minor legislative improvements, and the refusal of the Guardian Council to take steps to address this systemic discrimination, noting in this context its rejection, in August 2003, of the proposal of the elected parliament to accede to the Convention on the Elimination of All Forms of Discrimination against Women;[6]

(*f*) The continuing discrimination, and other human rights violations against persons belonging to ethnic and religious minorities, recognized or otherwise, including Arabs, Kurds, Baluchis, Christians, Jews and Sunni Muslims, the escalation and increased frequency of discrimination and other human rights violations against the Baha'i, including cases of arbitrary arrest and detention, the denial of freedom of religion or of publicly carrying out communal affairs, the disregard of property rights, the destruction of sites of religious importance, the suspension of social, educational and community-related activities and the denial of access to higher education, employment, pensions, adequate housing and other benefits and recent violent crackdowns on Kurds;

3. *Calls upon* the Government of the Islamic Republic of Iran:

(*a*) To ensure full respect for the rights to freedom of assembly, opinion and expression, and the right to take part in the conduct of public affairs in accordance with its obligations under the International Covenant on Civil and Political Rights and, in particular, to end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views;

(*b*) To ensure full respect for the right to due process of law, including the right to counsel and access to counsel by those detained, in criminal justice proceedings and, in particular, to ensure a fair and public hearing by a competent, independent and impartial tribunal established by law, to end harassment, intimidation and persecution of defence lawyers and legal defenders and to ensure equality before the law and the equal protection of the law without any discrimination in all instances, including for members of religious, ethnic, linguistic or other minority groups, officially recognized or otherwise;

(*c*) To eliminate, in law and in practice, the use of torture and other cruel, inhuman or degrading treatment or punishment, such as amputations and flogging, to end impunity for violations of human rights that constitute crimes by bringing the perpetrators to justice in accordance with international standards and, as proposed by the elected Iranian parliament, to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[7]

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[5] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[6] Ibid., vol. 1465, No. 24841.

(*d*) To abolish public executions and other executions carried out in the absence of respect for internationally recognized safeguards, in particular, as called for by the Committee on the Rights of the Child in its report of January 2005,[8] executions of persons who, at the time of their offence, were under the age of 18, and to uphold the moratorium on executions by stoning and to introduce this moratorium as law as a first step towards the abolition of this punishment;

(*e*) To eliminate, in law and in practice, all forms of discrimination and violence against women and girls, and, as proposed by the elected Iranian parliament, to accede to the Convention on the Elimination of All Forms of Discrimination against Women;

(*f*) To eliminate, in law and in practice, all forms of discrimination based on religious, ethnic or linguistic grounds, and other human rights violations against persons belonging to minorities, including Arabs, Kurds, Baluchis, Christians, Jews, Sunni Muslims and the Baha'i, and to address this matter in an open manner, with the full participation of the minorities themselves, to otherwise ensure full respect for the right to freedom of thought, conscience, religion or belief of all persons, and to implement the 1996 report of the Special Rapporteur of the Commission on Human Rights on religious intolerance,[9] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community;

4. *Encourages* the thematic mechanisms of the Commission on Human Rights, inter alia, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Representative of the Secretary-General on the situation of human rights defenders and the Working Group on Enforced or Involuntary Disappearances, to visit or otherwise continue their work to improve the situation of human rights in the Islamic Republic of Iran, and urges the Government of the Islamic Republic of Iran to cooperate with these special mechanisms and to illustrate how their subsequent recommendations have been addressed, including recommendations of special procedures that have visited the country in the past twelve months;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-first session, under the item entitled "Human rights questions", in the light of additional elements provided by the Commission on Human Rights.

64th plenary meeting
16 December 2005

[8] See CRC/C/146.

[9] See E/CN.4/1996/95/Add.2.

United Nations A/RES/60/172

General Assembly

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9 March 2006

Sixtieth session
Agenda item 71 (*c*)

Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.3 and Corr.1)*]

60/172. Situation of human rights in Turkmenistan

The General Assembly,

Reaffirming that all States Members of the United Nations have the obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations that they have undertaken under the various international instruments in this field,

Recalling its resolutions 58/194 of 22 December 2003 and 59/206 of 20 December 2004, and Commission on Human Rights resolutions 2003/11 of 16 April 2003[1] and 2004/12 of 15 April 2004,[2]

Noting the conclusion of the first needs-assessment mission of the Office of the United Nations High Commissioner for Human Rights to Turkmenistan in March 2004 and the ongoing consultations to finalize a possible technical cooperation project,

Noting with appreciation that the Government of Turkmenistan has received the Chairman-in-Office and the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe,

Welcoming the report of the Secretary-General of 20 September 2005,[3] which concludes that, while the Government of Turkmenistan has made some progress in addressing human rights issues and has shown readiness to cooperate with the international community, there was a lack of overall improvement in addressing serious human rights violations,

Reaffirming that improving security and the fight against terrorism should be conducted in accordance with international law, in particular international human rights, humanitarian and refugee law, and democratic principles,

1. *Welcomes*:

(*a*) The fact that additional minority religious groups have been allowed to worship for the first time as a result of the removal of a legal impediment to the full realization of the right to freedom of thought, conscience, religion or belief, but notes that serious violations of these freedoms continue;

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[1] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[2] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[3] A/60/367.

(*b*) The release in April 2005 of four Jehovah's Witnesses who had made conscientious objections to undertaking military service;

(*c*) The lifting of criminal penalties for the activities of non-registered non-governmental organizations in November 2004, while nevertheless noting that difficulties in the registration process for non-governmental organizations and private organizations continue and that other significant restrictions continue to hinder their activities;

(*d*) The submission, within the past year, of the national report under the International Convention on the Elimination of All Forms of Racial Discrimination[4] to the Committee on the Elimination of Racial Discrimination, as well as the reports due under the Convention on the Rights of the Child[5] and the Convention on the Elimination of All Forms of Discrimination against Women,[6] while encouraging the Government of Turkmenistan to comply with its outstanding reporting obligations to the Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee against Torture;

(*e*) The demonstrated readiness of the Government of Turkmenistan to discuss human rights matters with interested third parties on an ad hoc basis and to agree on the desirability of continuing dialogue and practical cooperation;

(*f*) The statements made by the President of Turkmenistan in April 2005 on democratic reforms, and urges that those reforms be truly democratic, in line with established international norms;

(*g*) The accession by Turkmenistan to the following United Nations protocols and conventions, and urges the Government of Turkmenistan to implement its obligations under these instruments:

(i) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;[7]

(ii) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;[8]

(iii) The United Nations Convention against Transnational Organized Crime, its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air;[9]

(*h*) The public statements of the President of Turkmenistan recommending the abolition of the practice of removing children from school for the cotton harvest and reprimanding a local governor for the use of child labour in the fields, as well as a law passed on 1 February 2005 prohibiting the employment of minors under the age of 15 and stipulating that no form of child labour should interfere with a child's education, and calls upon the Government of Turkmenistan to ensure that the law is fully implemented;

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[4] Resolution 2106 A (XX), annex.

[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[6] Ibid., vol. 1249, No. 20378.

[7] Ibid., vol. 2173, No. 27531.

[8] Ibid., vol. 2171, No. 27531.

[9] Resolution 55/25, annexes I–III.

(*i*) The decision of the Government of Turkmenistan to grant citizenship or permanent resident status to more than sixteen thousand refugees, including a significant number of Tajik refugees, who had fled Tajikistan between 1992 and 1999 and whose naturalization under the Turkmen Nationality Law had been advocated for many years by the United Nations High Commissioner for Refugees;

(*j*) The abolition of exit visas as a requirement for leaving the country;

2. *Expresses its grave concern* at the continuing and serious human rights violations occurring in Turkmenistan, in particular:

(*a*) The persistence of a governmental policy based on the repression of all political opposition activities;

(*b*) The continuing abuse of the legal system through arbitrary detentions, imprisonment and surveillance of persons who try to exercise their freedom of expression, assembly and association, and harassment of their families;

(*c*) The poor conditions in prisons in Turkmenistan and credible reports of ongoing torture and mistreatment of detainees;

(*d*) The failure of the Government of Turkmenistan to grant access to detainees to the International Committee of the Red Cross, according to the usual terms of the Committee, as well as to international monitors;

(*e*) The complete control of the media by the Government of Turkmenistan, its censorship of all newspapers and access to the Internet and intolerance of independent criticism of government policy, as well as further restrictions on the freedom of expression and opinion, including shutting down of the last remaining Russian-language radio station, Radio Mayak, even if satellite television is permitted and widely used, harassing of local correspondents and collaborators of Radio Liberty and prohibition of all contact between local journalists and foreigners without the express consent of the Government;

(*f*) Continuing restrictions on the exercise of the freedom of thought, conscience, religion or belief, including the use of registration procedures as a means to limit the right to freedom of thought, conscience and religion of members of certain religious communities;

(*g*) Continuing discrimination by the Government of Turkmenistan against ethnic Russian, Uzbek and other minorities, inter alia, in the fields of education and employment and access to media, despite assurances by the Government that it will stop this discrimination, taking note in this regard of the concluding observations of the Committee on the Elimination of Racial Discrimination of August 2005;[10]

(*h*) Forced displacement of its citizens, including a disproportionate displacement of ethnic minorities;

(*i*) Continuing restrictions on the exercise of the right of peaceful assembly, including increased constraints faced by civil society organizations, such as the slow progress in the registration of non-governmental organizations under the procedures set out in the law of 2003 on public associations;

(*j*) The continuing failure of the Government of Turkmenistan to respond to the criticisms identified in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe with regard to the investigation, trial and detention procedures following the reported assassination

[10] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), chap. III.

attempt against the President of Turkmenistan in November 2002, as well as the failure of the Turkmen authorities to allow appropriate independent bodies, family members and lawyers access to those convicted, or to provide any kind of evidence to dispel rumours that some of those convicted have died in detention;

(*k*) Arbitrary or unlawful interference with individuals' privacy, family, home or correspondence and violations of the freedom to leave one's country;

(*l*) Reported instances of hate speech against national and ethnic minorities, including statements attributed to high-ranking government officials and public figures supporting an approach to Turkmen ethnic purity, as noted in the concluding observations of the Committee on the Elimination of Racial Discrimination of August 2005;

3. *Urges* the Government of Turkmenistan:

(*a*) To ensure full respect for all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in General Assembly resolutions 58/194 and 59/206 and Commission on Human Rights resolutions 2003/11 and 2004/12;

(*b*) To work closely with the Office of the United Nations High Commissioner for Human Rights with regard to the areas of concern and to cooperate fully with all the mechanisms of the Commission on Human Rights, in particular to consider favourably requests made by a number of special rapporteurs of the Commission to visit the country, as recalled in the report of the Secretary-General,[3] and with all the relevant United Nations treaty bodies;

(*c*) To implement fully the recommendations outlined in the report of the Rapporteur of the Moscow Mechanism of the Organization for Security and Cooperation in Europe and to work constructively with the various institutions of the Organization, and to facilitate further visits of the Organization's Chairman-in-Office as well as his Personal Envoy for participating States in Central Asia, and of the Organization's High Commissioner on National Minorities;

(*d*) To follow through on the presentation of the Government of Turkmenistan to the Commission on Human Rights in April 2004 and the meetings of the Government of Turkmenistan with the International Committee of the Red Cross in 2005 by finalizing an agreement allowing the Committee to visit Turkmen prisons with full and repeated access to all places of detention in accordance with the usual modalities for that organization, and by providing international monitors, lawyers and relatives with full and repeated access to all those in detention, including those convicted of involvement in the coup attempt of 25 November 2002;

(*e*) To respect the right of everyone to freedom of thought, conscience, religion or belief, whether a member of a religious group or not, and to cease the harassment, detention and persecution of members of religious minorities, whether registered or unregistered;

(*f*) To bring laws and practices governing registration of public associations, including non-governmental organizations, into line with the standards of the Organization for Security and Cooperation in Europe and to enable non-governmental organizations, particularly human rights organizations, and other civil society actors, including independent media, to carry out their activities without hindrance;

(*g*) To submit reports to the United Nations treaty bodies to which it has assumed a reporting obligation and to give due regard to the recommendations and concluding observations of those treaty bodies, the most recent being the recommendations and concluding observations of the Committee on the Elimination of Racial Discrimination;

(*h*) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

4. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-first session on the implementation of the present resolution.

64th plenary meeting
16 December 2005

United Nations A/RES/60/173

General Assembly

Distr.: General
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Resolution adopted by the General Assembly

[*on the report of the Third Committee (A/60/509/Add.3 and Corr.1)*]

60/173. Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Recalling Commission on Human Rights resolutions 2003/10 of 16 April 2003,[4] 2004/13 of 15 April 2004[5] and 2005/11 of 14 April 2005,[6]

Recalling in particular that, in its resolution 2005/11, the Commission on Human Rights urged the General Assembly to take up the question of the situation of human rights in the Democratic People's Republic of Korea if the Government did not extend cooperation to the Special Rapporteur of the Commission on the situation of human rights in the Democratic People's Republic of Korea and if no improvement of the situation of human rights in the country was observed,

Taking note of the report of the Special Rapporteur,[7]

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[1] See resolution 2200 A (XXI), annex.

[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[3] Ibid., vol. 1249, No. 20378.

[4] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[5] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[6] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[7] See A/60/306.

1. *Expresses its serious concern* at:

(*a*) The refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

(*b*) Continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, the absence of due process and the rule of law, the imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour;

(ii) Sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information and limitations imposed on every person who wishes to move freely within the country and travel abroad;

(iv) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, forced abortions, and infanticide of children of repatriated mothers, including in police detention centres and camps;

(v) Unresolved questions relating to the abduction of foreigners in the form of an enforced disappearance;

2. *Expresses its concern* that the Government of the Democratic People's Republic of Korea has not engaged in technical cooperation activities with the United Nations High Commissioner for Human Rights and her Office, despite efforts by the High Commissioner to engage in a dialogue with the authorities of the Democratic People's Republic of Korea in this regard;

3. *Expresses its deep concern* at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition, which still affects the physical and mental development of a significant proportion of children;

4. *Urges* the Government of the Democratic People's Republic of Korea, in this regard, to ensure that humanitarian organizations, including non-governmental organizations and United Nations organizations, in particular the World Food Programme, have full, free, safe and unimpeded access to all parts of the Democratic People's Republic of Korea so that they may ensure that humanitarian assistance is delivered impartially on the basis of need in accordance with humanitarian principles, this concern having been aggravated by the announcement by the authorities of the Democratic People's Republic of Korea of their intention not to accept humanitarian assistance from January 2006;

5. *Also urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard, to implement fully the measures set out in the above-mentioned resolutions of the Commission on Human Rights, in particular full cooperation with the Special Rapporteur.

64th plenary meeting
16 December 2005